

Message Text

LIMITED OFFICIAL USE

PAGE 01 CANBER 03493 070249Z
ACTION EA-12

INFO OCT-01 ISO-00 EB-08 SS-15 SSO-00 NSCE-00 L-03
STR-07 TRSE-00 COME-00 ICAE-00 PA-01 /047 W
-----037888 070253Z /62

O R 070207Z MAY 78
FM AMEMBASSY CANBERRA
TO VICE PRESIDENT'S PARTY - AIR FORCE TWO NIACT IMMEDIATE
INFO SECSTATE WASHDC 3200

LIMITED OFFICIAL USE CANBERRA 3493

E.O. 11652: N/A
TAGS: EINV, AS
SUBJECT: DILLINGHAM CLAIM

REF: A) STATE 074672; B) CANBERRA 1498; C) STATE 07543
D) CANBERRA 3075 E) STATE 111284

1) SUMMARY: REFTEL (A) SUMMARIZES EA DEPY ASST SECY OAKLEY'S MEETING WITH DILLINGHAM'S VP ED CARTER AND DILLINGHAM'S LAWYERS ON MARCH 21ST. DISCUSSIONS RE CASTING ABOUT FOR NEW APPROACH BY DEPT. REFTEL (B) SUMMARIZES DILLINGHAM OFFICIALS CALL ON EMBASSY AND THEIR VIEW OF INFLEXIBILITY OF GOA ON CLAIM. REFTEL (C) PROVIDES DEPT'S GUIDANCE ON NEW APPROACH AND INSTRUCTS EMBASSY TO PROVIDE AIDE MEMOIRE TO GOA. REFTEL (D) INFORMS DEPT OF EMBASSY'S CALL ON GOA AND DELIVERY OF AIDE MEMOIRE. END SUMMARY

2) AIDE MEMOIRE DELIVERED TO CHIEF OF ECONOMIC POLICY DIVISION, DEPARTMENT OF TRADE AND RESOURCES (DEPY PM ANTHONY'S PORTFOLIO AS MINISTER) CONTAINED FOLLOWING THREE POINTS: (AS OPTIONS ACCEPTABLE TO DILLINGHAM)

A) MEDIATION BY MUTUALLY AGREED THIRD PARTY TO BE APPOINTED BY THE PRIME MINISTER;
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 CANBER 03493 070249Z

B) AGREEMENT BY THE AUSTRALIAN GOVERNMENT TO A LAWSUIT IN HTE AUSTRALIAN COURTS TO DECIDE THE AMOUNT OF COMPENSATION DUE TO THE COMPANY, PROVIDED GOA AGREES THAT IT IS LIABLE FOR SOME AMOUNT;

C) UTILIZATION OF INTERNATIONAL ARBITRATION.

3) SINCE DELIVERY OF AIDE MEMOIRE ON APRIL 21ST, EMBASSY HAS BEEN UNABLE (DESPITE REPEATED EFFORTS AND AS RECENTLY AS FRIDAY, MAY 5TH) TO GET A READING FROM THE GOA ON ITS REACTIONS TO THE SUGGESTIONS IN THE AIDE MEMOIRE.

4) UPON RECEIPT OF REFTEL (E) FROM THE DEPT (MESSAGE APPRISED EMBASSY THAT DILLINGHAM REPS HAD INFORMED DEPT THAT ATTORNEY GENL DURACK HAD ASKED FOR MEETING WITH COMPANY REPS TO TAKE PLACE SOMETIME BETWEEN MAY 8 - 19.), EMBASSY ATTEMPTED TO PIN DOWN DATE OF MEETING AND PARTICIPANTS.

5) EMBASSY HAS NOW ASCERTAINED THE FOLLOWING CONCERNING THE MEETING. ON THE MORNING OF MAY 18, A DELEGATION FROM THE GOA'S ATTORNEY GENERAL'S OFFICE AND LAWYERS REPRESENTING DILLINGHAM WILL MEET IN CANBERRA. THE GOA WILL BE LED BY SOLICITOR-GENERAL M.H. BYERS, WITH THE REST OF THE PARTICIPANTS UNKNOWN AT THIS TIME ALTHOUGHT IT MAY BE ASSUMED THAT COMMODITY EXPERTS AND POLICY EXPERTS FROM DEPT OF TRADE AND RESOURCES WILL BE INCLUDED.

6) EMBASSY UNDERSTANDS THAT DILLINGHAM REPRESENTATIVES WILL BE: MICHAEL BRADFIELD; ATTORNEY, WASHINGTON, D.C.; DARREL JAMES, ATTORNEY, HONOLULU; AND RUSSELL BAINTON, QC, SYDNEY.

6) ACCORDING TO DERRY HILL, DILLINGHAM AUSTRALIA, NO OTHER LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 CANBER 03493 070249Z

OFFICIALS OF DILLINGHAM WILL BE PRESENT AS THEY ARE INTERESTED IN LETTING THE "LAWYERS HAVE THIS ONE OUT". HILL VIEWS THE SOLICITOR-GENERAL, MHMEYERS AS A CAPABLE AND FAIR MAN. ALSTON

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CLAIMS, COMPENSATION, BRIEFING MATERIALS, VISITS, FOREIGN INVESTMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 07 may 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978CANBER03493
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780194-0423
Format: TEL
From: CANBERRA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780585/aaaacupe.tel
Line Count: 99
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: f1f5b4a2-c288-dd11-92da-001cc4696bcc
Office: ACTION EA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 78 STATE 74672, 78 CANBERRA 1498, 78 STATE 7543
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 28 apr 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2768458
Secure: OPEN
Status: NATIVE
Subject: DILLINGHAM CLAIM
TAGS: EINV, OVIP, AS, DILLINGHAM DORP, (MONDALE, WALTER F)
To: AIR FORCE II
Type: TE
vdkgvwkey: odhc://SAS/SAS.dbo.SAS_Docs/f1f5b4a2-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014